



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 1, 2021

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **United States v. Robert Hadden,**
S1 20 Cr. 468 (RMB)

Dear Judge Berman:

The Government respectfully writes to update the Court as to the status of its ongoing responsiveness review pursuant to search warrants obtained for various electronic devices, as discussed in its letter to the Court of October 1, 2021 (Dkt. 126 (the "October 1 Letter")). As discussed in greater detail below, although continued progress has been made to date, the Government's responsiveness review remains ongoing.

As described in the October 1 Letter, the Government has been reviewing the contents of approximately 33 electronic devices (the "Devices"), containing in excess of 3 million data artifacts, pursuant to a series of search warrants. (Dkt. 126 at 1).¹ As set forth in the October 1 Letter, the process of reviewing the Devices for responsiveness has been complex and time-consuming, involving a privilege review; the technical process of reconstruction of deleted data, known as "data carving"; and the substantive review of the voluminous data from the Devices. (See Dkt. 126 at 1-2). Leading up to the October 1 Letter, the Government identified for the defense those items it had identified as responsive to date and made available to the defense for inspection the partially reconstructed data it had been able to extract from the Devices. (See Dkt. 126 at 1-2).

Following the October 1 Letter, the Government has continued its review and made further progress on both the technical process of data carving and on the substantive review of the data for responsiveness. As described in the October 1 Letter, the FBI has continued to devote substantial resources to this review, which the case agent continues to prioritize. (See Dkt. 121 at 3). The Government has copied a substantial portion of the partially reconstructed data for the convenience of the defense, and has made all of the partially reconstructed data available for the defense's review. The technical process of data reconstruction has continued to be productive;

¹ The search warrants date from August and September of 2020, as well as a new search warrant, issued on September 8, 2021, relating to additional subject offenses.

just this past week, the Government has been able to reconstruct several dozen data partitions, potentially allowing the substantive review of a number of additional files within those partitions.

The Government's substantive responsiveness review is ongoing. Since the October 1 Letter, the Government has identified additional responsive materials in data artifacts that are difficult to export to the defense in a user-friendly fashion, and the Government is working to provide an export of the responsive material it has identified in a format as helpful to the defense as possible. The Government will continue to identify responsive materials promptly for the defense on a rolling basis, and will update the Court on or before December 1, 2021 as to the status of its review.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/ Paul M. Monteleoni
Jane Kim
Lara Pomerantz
Paul M. Monteleoni
Alexandra N. Rothman
Assistant United States Attorneys
(212) 637-2038 / 2343 / 2219 / 2580

cc: Defense Counsel (By ECF)